

**McLean County Commission Proceedings**  
**Tuesday, August 4, 2020**

The first regular August meeting of the Board of Commissioners was called to order at 8:32 a.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Highway Superintendent Jim Grey, Auditor Beth A. Knutson, and Deputy Auditor Nancy Leidholm.

Moved by Suydam, seconded by Lee, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Highway Superintendent Jim Grey was present with department updates. He reported that crews are continuing with gravelling as well as finishing up mowing of bridges and guard rails, hoping to begin mowing right-of-ways next week. Grey informed the commission that interviews for the Operator III position had taken place hopefully to be filled today. He went on to request and was granted permission to purchase budgeted oil for sealing; an 18,000 lb. winch; and motor grader tires to have on hand.

Moved by Lee, seconded by Suydam, to approve the utility permit request from West River Telecommunications of Hazen to install and maintain BF0-12 fiber cable telecommunications facilities to serve Wholesale Ag Products West, plowing cable along 9<sup>th</sup> St. NW, east of Coleharbor, replacing fiber along the slough that was damaged during road build-up, boring under culverts. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Discussion followed.

Moved by Lee, seconded by Suydam, to approve the raffle permit application from McLean County Racers, Inc. for a raffle to be held by April 1, 2021, for choice of race equipment or cash in lieu of race equipment valued at \$5,000.00, 2<sup>nd</sup> prize cash award of \$1,000.00, and 3<sup>rd</sup> prize cash award of \$500.00. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented for signing a service recognition certificate for Shirley Hilzendeger who is retiring from the Dakota Central Human Service Zone after 15 years of service.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of July in the amount of \$1,077.98.

Received and ordered filed the fee collection report from the Recorder's office for the month of July in the amount of \$11,180.20.

The Chairperson recessed the meeting at 8:47 a.m.

Chairperson Cottingham reconvened the meeting at 8:57 a.m.

States Attorney Ladd Erickson; Mike Manstrom, Vice President of Colliers Securities, LLC of Bismarck; Steve Burke of Falkirk Mining Company; and Greg DeHaven of Garrison joined the meeting.

Adam Dunlop, Regulatory & Strategic Planning Director of Midwest AgEnergy, was present to update the commission on plans involving Blue Flint Ethanol. He reported that they'd received a \$3.4 million grant from the North Dakota Industrial Commission and will use it to advance the development of a potential carbon storage system at the Blue Flint facility located next to Coal Creek Station. Dunlop explained that a stratigraphic well to examine the geology in the area will be drilled with core samples to be analyzed for suitability to safely store CO<sub>2</sub>. If successful, Blue Flint anticipates storing all their CO<sub>2</sub>, resulting in a lower carbon footprint for the facility. He hopes to begin the project in September of this year. Discussion followed regarding alternatives to the existing steam arrangement with Coal Creek Station should they close in 2022. Cottingham encouraged Dunlop to keep the commission in the loop as they proceed.

States Attorney Ladd Erickson was present to express concern that companies are attempting to anticipate the future for the county and are circulating leases amongst landowners for solar farms that if signed would tie up land and lignite reserves for possible future mining purposes and other uses. He presented a moratorium for the commission's review. Discussion followed.

Move by Lee, seconded by Suydam, to approve the following moratorium:

**SOLAR FARM PERMITTING MORATORIUM**

Be it resolved by the McLean County Commission on the 4<sup>th</sup> day of August, 2020, that no permitting or consideration of conditional use permitting of solar energy facilities will be conducted in McLean County for twenty-four (24) months from this date unless the McLean County Commission otherwise lifts this moratorium before that time.

The reasons for this moratorium are:

- 1) Our landowners may be taken advantage of if they sign leases with solar companies that have no purchase power agreements or electrical grid inner-connections, but the leases have provisions or silences that bind their land for the long-term, precluding other opportunities for the landowners that may materialize in the future;
- 2) That solar companies may primarily be interested in qualifying speculative projects for Internal Revenue Service (IRS) tax credits or other federal subsidies before those expire at the end of 2020, and the companies may have their own, and not our landowners' best interests considered;
- 3) There is uncertainty regarding the Coal Creek Station and the direct current (DC) power line's future ownership and use. Resolving those uncertainties may take many more months and could result in there being no transmission to market for any area solar energy – which could harm landowners that have signed leases.

- 4) At present all landowners that are offered wind or solar leases by any company are strongly advised by the McLean County Commission that they have an attorney review any documents before signing them. There can be significant, but not transparent, harms in the leases that affect landowner rights and future income from projects that never materialize despite project incursions into their private land.

Any person aggrieved by this moratorium has the right to petition the county commissioners for regress of their grievances.

Dated this 4<sup>th</sup> day of August, 2020.

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Steve Cottingham, Chairman

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Steve Lee

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Barry Suydam

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Beth Knutson, Auditor

Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Lee feels getting the lignite counties together and having some continuity is beneficial. The moratorium gives the county opportunity to develop zoning regulations if needed.

Erickson briefly discussed the upcoming closure of Great River Energy stating that work is in progress and discussions are taking place for options to possibly keep the plant open. A bulk release of land was also discussed with Erickson wanting it attractive and ready to be homesteaded again.

Chief Deputy Auditor Lori Foss joined the meeting for the first reading of proposed changes to the following personnel policies:

- Policy 106 – Minimum Wage and Policy 314 – Military Leave Updated to show housekeeping revisions to comply with current law.
- Policy 314 – Military Leave Updated to show housekeeping revisions to comply with current law.
- Policy 406 – Overtime and Compensatory Time Changed to read, “The county requires that all compensatory time earned is taken before using **any other paid leave** and the employee is strongly encouraged to make every effort to use it by end of the month following the month that it is earned.” The commission requested the wording be changed to “The county requires that all compensatory time earned is taken before using **annual or sick leave** and the employee is strongly encouraged to make every effort to use it by end of the month following the month that it is earned.” This change will take effect January 1, 2021.
- Policy 1300 – COVID-19 Families First Coronavirus Response Act Leave This policy is being added to provide a basis for dealing with COVID-19 absences under the letter of the law.

Foss will take the commission’s recommendation and update Policy 406. The second reading of the proposed changes will be at the next meeting to be held on August 18, 2020.

Discussion followed regarding the preliminary budget and the estimate tax statements.

Moved by Suydam, seconded by Lee, to approve the original Preliminary Budget for 2021 as presented by the auditor. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to set the 2021 Preliminary Budget Hearing for 11:00 a.m. on September 15, 2020. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Discussion took place on how to assess the properties involved in the Lakeview Estates Street Improvement District No. 1-2020 project. Knutson presented documentation showing the numbers for assessing residents by lot value, assessing each lot equally, and the difference between the two. Lee and Cottingham feel basing the assessment on actual property value is the way to go as most other taxes are figured that way. Lee suggested assessing the properties for a period of five years with Suydam requesting ten. Greg DeHaven was present to express his hope that the residents would be assessed per individual household instead of by lots. Discussion followed.

Moved by Lee, seconded by Suydam, to assess the properties involved in the Lakeview Estates Street Improvement District No. 1-2020 project by actual lot value, not including the value of any structures on the property. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to assess the properties involved in the Lakeview Estates Street Improvement District No. 1-2020 project over a period of five years. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Mike Manstrom of Colliers International, Bismarck, was present to explain the bonding process for the Lakeview Estates Street Improvement District No. 2-2020 project. He reiterated that it was important to get the project paid for before it has to be improved again, agreeing with the five-year period, and plans to present the Sales Resolution at the September 1, 2020 meeting.

Knutson presented the budget narrative as of July 31, 2020. She informed the commission that Oil & Gas payments were up almost \$10,000.00 from the month of June and WTI crude is about \$40.22 per barrel, also an increase from June. On the revenue side the property taxes are at 92% collected, 96% with the discount, in the amount of \$17,185,119.88. Government reimbursements including PILT, State Aid, Coal Severance, etc. are at \$1,744,084.27 compared to \$1,592,769.93 in 2019. Fees and Miscellaneous revenue are at \$1,147,132.41 compared to \$883,555.90 in 2019. On the expense side 51.73% or \$7,166,233.48 of the 2020 budget has been expended where normally 58.33% would be expended. Areas of concern are the Court Appointed Counsel budget currently at 54% and Sheriff’s Department Salaries at 62.37%, which is \$85,688.52 over budget. Discussion followed regarding the Sheriff’s Department compensatory time.

Vote-by-mail, vote centers, and early voting was briefly discussed.

Discussion followed regarding the working hours of the courthouse and whether or not it should be closed to the public again due to the increasing positive number of COVID-19 cases in the county. Lee and Cottingham would like to see the doors remain open if they can be.

Moved by Suydam, seconded by Lee, to approve the following vouchers for payment:

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A303209	AUTO VALUE BISMARCK	PARTS	116.68
A303210	BHG INC	NOTICE OF MOWING AD	181.17
A303211	DAKOTA AGRONOMY PARTNERS	2.5 GALLONS – CORNERSTONE PLUS	42.50
A303212	WILLIAM CARLSON	REIMBURSE CELL PHONE	30.00
A303213	ISTATE TRUCK CENTER	REPAIRS UNIT 13-083	1,426.20
A303214	MCLEAN SHERIDAN RURAL WATER	RURAL WATER	156.34
A303215	NEWMAN SIGNS INC	SIGNS	187.30
A303216	PRECISION EQUIPMENT MFG	INLINE AIR LUBRICATOR	83.84
A303217	S AND J HARDWARE	SIGN PARTS	22.73
A303218	SMITHYS LLC	1/8 X 2 FLAT IRON	7.50
A303219	TITAN MACHINERY	PARTS	579.97
A303220	TRUENORTH STEEL	ELBOW	255.68
A303221	ARMOR INTERACTIVE	(3) DELL LAPTOPS, (3) MS OFFICE ’19, (3) WIRELESS MICROPHONES	5,302.20
A303222	BHG INC	NOTICES, COMMISSION MINUTES, HELP WANTED ADS	1,857.56
A303223	ASHLEY BROSSART	JAIL NURSE	2,277.00
A303224	CARROT TOP INDUSTRIES INC	5X8 FLAG	70.96
A303225	CHS CREDIT CARD DEPT	GASOLINE – SHERIFF	2,898.29
A303226	CHARMTX INC	INMATE CLOTHING – SHERIFF	237.76
A303227	CITY OF WASHBURN	WATER/SEWER – COURTHOUSE/LEC	485.17
A303228	CATHY BAILEY	REIMBURSE JURY SUPPLIES	48.69
A303229	STEVE LEE	JULY TRAVEL	117.88
A303230	DACOTAH PAPER COMPANY	FLOOR/GLASS CLEANER, NITRILE GLOVE, HAIR/BODY WASH	629.47
A303231	DOCS SHOP	BRAKES, REPLACE BATTERY, OIL OIL CHANGES – SHERIFF	1,776.15
A303232	ELECTRONIC COMMUNICATIONS	REPEATER REPAIRS, REPLACE SISCO SWITCH, PORTABE BATTERY, CHARGER	4,901.00
A303233	FARMERS UNION SERVICE ASSOC	NEW BUSINESS PREMIUM, AUTO CHANGES	11,493.00
A303234	GARRISON RURAL WATER DISTRICT	PARK RURAL WATER USAGE	60.00
A303235	GOETZ FUNERAL HOME	REIMBURSE JUNE/JULY CORONER FEE – SANNES	1,500.00
A303236	GERARD GOVEN	JULY WATER BOARD MEETINGS/TRAVEL	699.75
A303237	GREAT PLAINS DIRECTORY SVC	2020 COLOR PLAT BOOKS	238.00
A303238	SHANNON JEFFERS	JULY WATER BOARD MEETINGS/TRAVEL	1,268.75
A303239	LIGNITE TIRE	TIRE – SHERIFF	140.00
A303240	MARCO	CONTRACT, STANDARD PAYMENT	1,679.85
A303241	MATTHEW BENDER AND CO INC	09-20 TO 8-21 ND ADVANCE CODE SVC	77.81
A303242	MERCER MCLEAN CO COM AGING	LEVY MONIES COLLECTED 0720	453.80
A303243	MERKENS LAW PLLC	COURT APPOINTED COUNSEL	1,410.00
A303244	NDSU EXTENSION SERVICE	SALARY/TRAVEL – EDWARDS 03-16-20 - 6-31-20	6,764.77
A303245	LYNN OBERG	JULY WATER BOARD MEETINGS/TRAVEL	1,658.13
A303246	OTTERTAIL POWER COMPANY	BUTTE, TURTLE LAKE, WASHBURN & MAX SHOPS; COURTHOUSE; RADIO TOWER; LEC	5,935.70
A303247	ANNA SIX	REIMBURSE SHAMPOO FOR JAIL	22.41
A303248	THOMPSON FUNERAL HOME INC	REIMBURSE JUNE/JULY CORONER FEES – GEHRING	1,500.00
A303249	WASHBURN AUTO BODY LLC	(4) TIRES – WEED CONTROL	1,591.48

A303250	WESTERN FRONTIER INS AGENCY	NOTARY BOND RENEWAL – KERZMANN	100.00
A303251	WESTERN DAKOTA ENERGY ASSOC	MEMBERSHIP DUES, ANNUAL COUNTY TRUCK PERMIT DUES	2,121.13
	JULY PAYROLL	A detailed list of payroll funds expended is available for public inspection anytime during regular business hours in the McLean County Auditor’s office.	\$356,571.30

P-CARD FUNDED PURCHASES

VENDOR	DESCRIPTION	AMOUNT
WEST RIVER TELECOM	TELEPHONE/DSL	102.41
RESERVATION TELEPHONE	TELEPHONE	119.42
BUTLER MACHINERY	PARTS	2088.07
PRAXAIR DISTRIBUTION	WELDING SUPPLIES	456.52
McLEAN ELECTRIC	ROSEGLEN, UNDERWOOD, AND GARRISON SHOPS	441.00
BUTLER MACHINERY	OIL SAMPLE BOTTLES	2250.00
BUTLER MACHINERY	70% SUMMER RENT/TWO TRACTORS	6650.00
VERIZON	KITTLER, GREY – HIGHWAY CELL; KROLL – DES CELL, JETPACK; ERICKSON – STATES ATTORNEY CELL; OBERG – ASSESSOR CELL, JETPACK, HOTSPOT	293.21
VERIZON	DATA CARDS, (2) DETECTIVE & KERZMANN – SHERIFF CELL	1.041.43
SALHUS SEPTIC PUMPING	(2) HANDWASH STATIONS FOR 4 WEEKS	240.00
WEST RIVER TELECOMM	SHERIFF, COURTHOUSE, E-911, JURY/ PERSONAL, PAROLE/PROBATION, E-911 RADIO TOWER	2,922.55
WEST RIVER TELECOMM	SHERIFF	92.92
WEBROOT.COM	WEBROOT SECURE ANYWHERE 5 DEVICE	85.59
RESERVATION TELEPHONE	911 TRUNKING RECURRING	80.00
RESERVATION TELEPHONE	BENEDICT SPORTSMEN’S PARK	138.53
WASTE MANAGEMENT	PARK 7-1-2020 TO 9-30-2020	1,724.55
VERIZON CONNECT	MONTHLY SERVICE – JUNE – SHERIFF	453.32
PLUNKETT’S PEST CONTROL	GEN PEST CONTROL PROGRAM – LEC	18.00
LEE COUNTY JUSTICE CENTER	CERTIFIED COPIES – ST ATTY	5.74
DAKOTA PHARMACY	PRISONER MEDICAL	6.90
TAO INTERACTIVE INC	ANNUAL eGOV WEBSITE HOSTING – 9-1-2020 TO 8-31-2021	599.95
OFFICE DEPOT	PENS, BUSINESS PAPER	69.53
AMAZON	(2) 24” SAMSUNG MONITORS	341.98
	(40) SECURITY SEALS	42.00
McLEAN ELECTRIC	SECURITY LIGHTS – PARK, COURTHOUSE; PARK BOARD; SPORTSMEN CENTENNIAL PARK; GARAGE; CAMPER PADS; PARK CAMPGROUND METER	2,045.00
BUTLER MACHINERY	HEATER HOSES FOR GENERATOR	69.33
H A THOMPSON & SONS	AIR CONDITIONING REPAIR FOR RADIO AT COUNTY SHOP	2,131.80
AMAZON	LOGITECH COMPUTER SPEAKERS	28.98
OFFICE DEPOT	RECEIPT BOOKS, LEGAL PADS – SHERIFF; AA BATTERIES	72.26
AMAZON	IPHONE CHARGER – ERICKSON	13.74
CIRCLE SANITATION	GARBAGE PICKUP	426.00
BUTLER MACHINERY	CREDIT FOR TAXES	-4.53
AMAZON	CREDIT FOR RETURNED SECURITY SEALS	-42.00

Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Lee informed Knutson and the commissioners that the October NDACo Conference will be held virtually, with details yet to be nailed down regarding the caucuses that are held a week earlier. Discussion followed.

There being no further business, the chairperson declared the meeting adjourned at 10:48 a.m. until the next regularly scheduled meeting on Tuesday, August 18, 2020. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.